

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
December 16, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Mike Hoffman, County Planner; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Bud and Camille Ladd, Patti Glukert, Dave Kirsch

MINUTES

Commissioner Weber moved to adopt the minutes of November 25. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Commissioner Weber noted receipt of November expense and revenue reports from the Clerk and Recorder.

Commissioner Weber noted receipt of November cash report from the Treasurer.

CALENDAR REVIEW

12/17 Meeting with consultants regarding Highway 69 - 9:00
Meeting regarding RAC - Dillon - 9:30
JLDC - 2:00
12/18 Road Department interviews - 9:00
Library Board - 4:30

COMMISSION REPORTS

TRI-COUNTY FIRE

Commissioner Lythgoe reported on a Tri-County fire meeting that he attended the previous

Thursday. Jefferson County, Lewis and Clark County and the City of Helena are bringing together key officials. A major concern is with a big fire coming out of the South Hills, a large portion of which are in Jefferson County. At this meeting, they mainly discussed evacuation plans. Sally Buckles, Craig Doolittle and Joe Carter were also in attendance at the meeting.

ELKHORN WORKING GROUP

Commissioner Lythgoe reported on the Elkhorn Working Group meeting. The main topic of discussion was the transmission line that is proposed. They have concerns with this and also with the plans for updates to Highway 69.

WEED BOARD

Commissioner Lythgoe stated that the Weed Board meeting on Thursday night was mainly business as usual.

CTAC

Commissioner Weber reported on CTAC meeting. Golden Sunlight Mine is still moving forward with the planned lay-back to reach gold reserve, which will take two to three years. As of now, they think that they will be milling through February and hope to find any option possible to extend milling time and start the mill as soon as possible. For right now, all of their feasibility studies are saying three years.

HEADWATERS

Commissioner Weber reported on the Headwaters meeting in Butte. There is a lot of new staff, a new coordinator, funding is up in the air, and there are different grants that are becoming available. They are continuing to move forward with our projects with success. He stated that there is still a lot of confusion around how the NRCS and all of us work together, so this will be an on-going concern. The group voted to hire, at least on temporary basis, a CEO position to help run the offices. It is felt that we need to have our own coordination by a chief executive, rather than rely on the coordinator sent by the Federal government.

LIBRARY BOARD

Commissioner Weber reported on the Library Board meeting held on Thursday. The Library Board is looking for a new name for the Clancy Library to better reflect the fact that it is the north Jefferson County Library. No decisions have been made at this time. There was also a personnel issue that was unpleasant, and will be revisited on the 18th.

CORRESPONDENCE

PETITION FOR ROAD ABANDONMENT

A petition to discontinue a street was received from Bonnie Ramey, who has certified the signatures on the petition. Bob Marks is petitioning to close a portion of Clancy Street in the town site of Clancy. The purpose of closure is to provide contiguous ownership so that Bob Marks can donate property to the Clancy Fire Department. Commissioner Notbohm explained where the portion of the road is. Commissioner Weber asked Commissioner Notbohm if he would view the road with Joe Carter. Commissioner Notbohm said that he would.

BOND COUNSEL

Commissioner Weber read a letter from Dorsey-Whitney, bond counsel for RSID bonds, which outlined their services and responsibilities. Commissioner Weber reported that he will check with Bonnie to see if any other correspondence was received, and then he will sign the acknowledgment.

MONTANA TUNNELS GRAVEL ISSUE

Commissioner Weber noted a series of e-mail correspondence from Matt Johnson and Joe Carter, as well as Commissioner Notbohm, regarding promised gravel from Montana Tunnels. Commissioner Weber outlined the correspondence time line and content.

Commissioner Notbohm stated that part of this is that something should be down in writing regarding the \$10,000 received for road project, which he didn't realize had been deposited. Someone could read into that amount the payoff for the gravel, rather than help with the road work. Jefferson County was given a huge amount of gravel from Montana Tunnels, and we haven't gotten all of it. We need to have an accurate accounting in writing of the amount that we are still owed. This has been discussed at road meetings. The future of the mine is uncertain, so we need to have something in writing, rather than just a verbal agreement. Commissioner Weber asked if he got a number of yards still owed. Commissioner Notbohm stated that Joe gave Matt the figure of 27,500 cubic yards that is still owed. He noted that this is the last issue he has that he wants to get cleared up before he leaves office. This is a big boon to the county, especially the Boulder District, as it has the most dirt roads in the county.

Commissioner Weber stated that we have the letter that we didn't release the gravel with the receipt of the \$10,000. Commissioner Weber asked Commissioner Notbohm what he is asking the Commission to do. Commissioner Notbohm stated that he would like to direct Matt to draw up a contract with Montana Tunnels for the remainder of the gravel. Commissioner Weber asked if he feels the original agreement is not sufficient. Commissioner Notbohm stated that he doesn't feel that the original agreement is sufficient; he feels that they need to have an agreement for the remainder. The management has changed as well as the company. Tim has already agreed to this, he would just like Matt to draw something up. Commissioner Lythgoe stated that it makes sense to him that we write them a letter clarifying how much is still owed; we already have a contract. The letter would have a signature line for Tim, so that he can acknowledge that this is the correct amount. Commissioner Notbohm stated that the other issue he has is that he would like to see us

pin them down on a time when we will get the gravel.

Commissioner Lythgoe stated that the reality of the situation is that if they don't find an investor, they will be shutting down in April or May. Commissioner Notbohm stated that the gravel is owed by the parent company, and before they pull up stakes and leave they need to give us the promised gravel. Commissioner Lythgoe asked if this was a total donation by Tunnels.

Commissioner Weber stated that it was; he believes that the county gave them a receipt for their bond. Commissioner Notbohm stated that when it was given to us it became county property and an asset to the county. We can't just give it back. Times as they are, we don't know how the money will hold up; we need to protect what is ours. He feels that it is worth about a quarter-million dollars. Commissioner Lythgoe stated that he isn't sure how the ownership works. He said that the word "donation" sticks in his mind; he doesn't know how to enforce that.

Commissioner Lythgoe called Joe who said that there is a MOU, which he will bring over to the office the next day.

Commissioner Weber moved to request Matt to write a letter stating that we are still owed 27,500 cubic yards of gravel, thanking them for the donation and asking Tim Smith to sign on his agreement. Commissioner Notbohm seconded. The motion carried.

SUBDIVISION REVIEW

FINAL PLAT REVIEW – AMENDED PLAT TRACT 1 – LADD MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this one-lot split located north of Clancy. The parcel contains 9.30 acres, and is to be split into two lots containing 2.00 and 7.30 acres. Mike stated that all conditions of approval have been met and recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Ladd Minor subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON REVISING COUNTY LOGO

A couple of options presented. Further discussion and brainstorming produced: "the Discovered In-Between", "Heart of Montana", "Montana's Jewel", "Heart of the Treasure State", "Moving Forward", "Looking to the Future" and "Opportunities Abound" and "One of the Originals".

Jan suggested that the Commission develop a list of six or eight choices and list them in the paper; it might generate some comments. The list will be submitted to the papers and calling for comments from the public. This will be on the January 13th agenda for final decision.

DISCUSS AND DECIDE ON FINANCIAL SUPPORT OF THE IMPACT FEE PILOT PROGRAM

Commissioner Weber stated that MACo has sent out an e-mail requesting financial support in the effort to have legislation changed regarding impact fees. Commissioner Weber stated that as both of the Commissioners know, we have desperately wanted to have impact fees in the past; he would recommend that we consider funding this.

Commissioner Weber moved to fund \$500 from PILT. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER